UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

BROOKLYN PARK AUTOMOTIVE, INC.

Employer

and

Case 18-RC-081708

TEAMSTERS LOCAL 974

Petitioner

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

The National Labor Relations Board, by a three-member panel, has considered an objection to an election held June 28, 2012, and the hearing officer's report recommending disposition of it. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 20 votes for and 21 against the Petitioner, with 1 challenged ballot, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings¹ and recommendations,² and finds that a certification of results of election should be issued.

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¹ The Petitioner has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.

² In adopting the hearing officer's recommendation to overrule the Petitioner's objection alleging that the Employer engaged in surveillance of employees as they were going to vote, we find it unnecessary to pass on the hearing officer's finding that the Employer's General Manager, Carter Doolittle, did not maintain a "continued presence" in the office that he occupied for 30 minutes during the voting period. Rather, we rely on the lack of

CERTIFICATION OF RESULTS OF ELECTION

IT IS CERTIFIED that a majority of the valid ballots have not been cast for Teamsters Local 974, and that it is not the exclusive collective-bargaining representative of these bargaining unit employees.

Dated, Washington, D.C., September 25, 2012.

	Mark Gaston Pearce,	Chairman
	Richard F. Griffin, Jr.,	Member
	Sharon Block,	Member
(SEAL)	NATIONAL LABOR RELATIONS BOARD	

evidence that Doolittle either surveilled – or gave the impression that he surveilled – employees while he occupied the office during this period.